

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Walter Corey Gordon,)	Civil Action No.: 2:17-02280-MGL
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Nancy A. Berryhill,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the Report and Recommendation (Report) of United States Magistrate Judge Mary Gordon Baker, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. Plaintiff Walter Corey Gordon, (Gordon), brought this action seeking judicial review of the final decision of the Commissioner of Social Security (Commissioner) denying Gordon's claim for Disability Insurance Benefits and Supplemental Security Income.

On January 28, 2019, the Magistrate Judge issued a Report in which she recommended the Commissioner's decision be reversed and remanded for further administrative proceedings. ECF No. 25. Gordon filed no objections to the Report. On February 11, 2019, the Commissioner filed "Defendant's Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge." ECF No. 26.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which

specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to her with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The Court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The Court adopts the Report and incorporates it herein by reference. The decision of the Commissioner to deny benefits is **REVERSED** and the action is **REMANDED** for further administrative action consistent with this order and the Report.

IT IS SO ORDERED.

s/ Mary G. Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

February 14, 2019
Columbia, South Carolina